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June 7, 2023

**VIA CM/ECF**

Plaintiff shall file a response, not to exceed three pages, by  
**June 13, 2023. So Ordered.**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
(202) 805-0288

Dated: June 8, 2023  
New York, New York

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: *Match Group, LLC v. Beazley Underwriting Limited*,  
Case No. 1:22-cv-04629-LGS (S.D.N.Y. filed June 3, 2022)

Dear Judge Schofield:

Defendant Beazley Underwriting, Ltd. (“Beazley”) writes in response to the Court’s May 25, 2023 Opinion and Order (ECF No. 48).

Beazley disagrees with the Court’s analysis and conclusions, and it intends to seek review of the Court’s decision on appeal. That said, Beazley agrees that, in light of the Court’s conclusions of law in Section III.A.1 of its Opinion and Order, a motion for summary judgment in favor of Match Group, LLC (“Match”) on Match’s breach of contract claim would have to be granted.

Beazley and Match have met and conferred regarding the amount of damages, inclusive of prejudgment interest, to which Match would be entitled as of June 9, 2023. The parties agree that these damages (including prejudgment interest) total \$3,619,797.48.

Beazley understands that Match intends to file a motion for attorney’s fees. It is Beazley’s position that controlling law bars Match from recovering attorney’s fees here. *Mighty Midgets, Inc. v. Centennial Ins. Co.*, 47 N.Y.2d 12, 22 (1979). However, if Match so moves, Beazley respectfully submits that the motion should not delay the Court’s entry of judgment and Beazley’s appeal. *See* Fed. R. Civ. P. 58, Advisory Committee Notes (“Ordinarily the pendency or post-judgment filing of a claim for attorney’s fees will not affect the time for appeal from the underlying judgment.”); *see also Ray Haluch Gravel Co. v. Cent. Pension Fund of Int’l Union of Operating Engineers & Participating Emps.*, 571 U.S. 177, 179 (2014).



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The parties have conferred concerning a briefing schedule for Match's potential motion for attorney's fees. At Match's request, we respectfully ask that the Court order Match's motion for attorney's fees to be filed no later than June 30, 2023, with opposition to be due by July 28, 2023, and any reply to be due by August 25, 2023.

We thank the Court for its consideration of this matter.

Respectfully Submitted,

A handwritten signature in blue ink that reads 'Jonathan S. Zelig'.

Jonathan S. Zelig

cc: All counsel of record (via CM/ECF)